In the Claims

Please amend the claims as follows:

1. A parvovirus NS 1 variant protein having a shifted equilibrium between the DNA replication and transcription activities (a) and the cytotoxicity activity (b), wherein the parvovirus NS 1 variant comprises a mutation S283A (SEQ ID NO. 6); T363A (SEQ ID NO. 10); T394A (SEQ ID NO. 14) or T463A (SEQ ID NO. 18).

~~wherein the shifted equilibrium is selected from the group consisting of:~~

~~- the activities (a) are reduced and eliminated, respectively, and activity (b) is maintained or increased; and~~

~~- activity (b) is reduced and eliminated, respectively, and the activities (a) are maintained or increased.~~

2.-4. (Cancelled)

5. (Previously presented) A DNA, coding for the parvovirus NS1 variant protein according to claim 1.

6. (Currently amended) The DNA according to claim 5, wherein the DNA comprises a member selected from the group consisting of :

(a) the DNA of SEQ ID Nos: 4, 8, 12 and 16 ~~3, 5, 7 and 9, said DNA comprising a mutated phosphorylation site,~~

~~(b) a DNA hybridizing with the DNA from (a) under high stringency conditions, said DNA comprising the mutated phosphorylation site of the DNA from (a), or~~

~~(c) a DNA related to the DNA from (a) or (b) via the degenerated genetic code~~.

7. (Previously presented) An expression vector, comprising the DNA according to claim 6.

8. (Currently amended) A host cell ~~transformant~~, containing the expression vector according to claim 7.

9. (Currently amended) A method of producing the parvovirus NS 1 variant protein according to claim 1, comprising:

(a) transfecting a host cell with a polynucleotide including SEQ ID Nos 4, 8, 12 or 16: (b) culturing the host cell under conditions sufficient for expression of the parvovirus NS 1 variant protein; and

(c) recovering the parvovirus NS 1 variant protein.

~~the culturing of the transformant according to claim 8 under suitable conditions~~.

10. (Currently amended) An antibody, directed against the parvovirus NS 1 variant protein according to claim [4] 1.

11. (Currently amended) A Kit comprising at least one member selected from the group consisting of:

(a) a parvovirus NS 1 variant protein comprising a mutation S283A (SEQ ID NO. 6); T363A (SEQ ID NO. 10); T394A (SEQ ID NO. 14) or T463A (SEQ ID NO. 18)~~according to claim 4~~,

(b) a DNA of SEQ ID Nos 4, 8, 12 and 16 ~~according to claim 5~~, and

(c) an antibody directed against a parvovirus NS 1 variant protein of (a); ~~according to claim 10,~~

and ~~(d)~~ conventional auxiliary agents, comprising ~~such as~~ solvents, buffers, carriers markers ~~and~~ or controls.

12. (Currently amended) A method for treating tumoral diseases comprising: administering an effective amount ~~Use~~ of the parvovirus NS 1 variant protein according to claim 1 as a toxin for treating tumoral diseases.

13. (Currently amended) A method for treating tumoral diseases comprising: administering an effective amount ~~Use~~ of the DNA according to claim 7 as a vector for gene therapy.

14.-18. (Cancelled)

19. (New) A parvovirus NS 1 variant protein having a shifted equilibrium between the DNA replication and transcription activities (a), and the cytotoxicity activity (b), wherein the parvovirus NS 1 variant protein comprises at least one mutation located at an amino acid residue site selected from the group consisting of: 283, 363, 394 and 463 of SEQ ID NO. 2.

20. (New) The DNA according to claim 5, wherein the DNA comprises a member selected from the group consisting of:
(a) the DNA of SEQ ID Nos 4, 8, 12 and 16, said DNA comprising a mutated phosphorylation site,
(b) a DNA hybridizing with the DNA from (a) under high stringency conditions, said DNA comprising the mutated phosphorylation site of the DNA from (a), or
(c) a DNA related to the DNA from (a) or (b) via the degenerated genetic code.

21. (New) A parvovirus NS 1 variant protein having a shifted equilibrium between the DNA replication and transcription activities (a) and the cytotoxicity activity (b), wherein the parvovirus NS 1 variant protein comprises a mutated phosphorylation site and wherein the shifted equilibrium is selected from the group consisting of:

(1) DNA replication activity is reduced, transcription activity is eliminated and cytotoxicity is maintained or increased; and

(2) DNA replication activity and transcription activity is maintained or increased and cytotoxicity is reduced or eliminated.